

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IOENGINE, LLC

Plaintiff/Counterclaim
Defendant,

v.

C.A. No. 18-452-WCB

PAYPAL HOLDINGS, INC.,

Defendant/Counterclaim
Plaintiff.

INGENICO INC.,

Plaintiff,

v.

C.A. No. 18-826-WCB

IOENGINE, LLC,

Defendant.

IOENGINE, LLC,

Counterclaim Plaintiff,

v.

INGENICO, INC., INGENICO CORP., and
INGENICO GROUP S.A.,

Counterclaim Defendants.

**IOENGINE, LLC'S OBJECTIONS TO PAYPAL'S ADDITIONAL EXHIBITS LIST AND
ADDITIONAL DEPOSITION DESIGNATIONS FOR THE APRIL 6, 2022
EVIDENTIARY HEARING ON PAYPAL'S MOTION FOR SPOILATION SANCTIONS**

IOENGINE, LLC ("IOENGINE") hereby provides its objections to PayPal's March 29, 2022 lists of witnesses, additional exhibits, and additional deposition designations for the April 6, 2022 evidentiary hearing on Defendant PayPal Holdings, Inc.'s ("PayPal's") Motion for Spoliation Sanctions.

IOENGINE'S OBJECTIONS TO PAYPAL'S ADDITIONAL EXHIBITS

PayPal's Additional Exhibits	IOENGINE's Objections
Ex. No 48: March 22, 2021 Chuebon Production Correspondence and Production Metadata File	Improper characterization; lack of a proper foundation
Ex. No. 49: April 6, 2021 Chuebon Production Correspondence and Production Metadata File	Improper characterization; lack of a proper foundation

IOENGINE'S OBJECTIONS TO PAYPAL'S ADDITIONAL DEPOSITION DESIGNATIONS

PayPal's Additional Deposition Designations	IOENGINE's Objections
Scott McNulty, Rule 30(b)(6) Deposition taken October 7, 2021, at 138:3-139:3, 143:4-144:15	IOENGINE objects to PayPal's designation of testimony of Mr. Scott McNulty by deposition. PayPal has designated Mr. McNulty as a live witness for the April 6, 2022 evidentiary hearing before this Court, and Mr. McNulty will appear as a live witness on that date. PayPal's parallel designation of Mr. McNulty as a witness by deposition testimony constitutes hearsay under Fed. R. Evid. 802 and is an improper use of impeachment pursuant to Fed. R. Evid. 801 and 802.

Dated: April 1, 2022

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